

Memorandum Circular
No. 97-05
March 18, 1997

**SUBJECT : Procedural Guidelines in the Creation
of Provincial/City Mining Regulatory
Boards**

For a more effective operations of Provincial/City Mining Regulatory Boards pursuant to Republic Act No. 7942, the "*Philippine Mining Act of 1995*" and Republic Act No. 7076, the "*People's Small Scale Mining Act of 1991*" and their implementing rules and regulations, DENR Administrative Order No. 96-40, Series of 1996 amending DENR Administrative Order No. 95-23, Series of 1995 and DENR Administrative Order No. 32, Series of 1992, respectively, the following procedural guidelines are hereby issued for the guidance of all concerned:

I. Composition of the Provincial/City Mining Regulatory Board

The composition of the Provincial/City Mining Regulatory Board (hereinafter referred to as "Board") shall be in full accord with Section 70 of DENR Administrative Order No. 96-40, Series of 1996, that is:

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|----|---|---------------|
| 1. | MGB Regional Director concerned or his/her representative | Chairman |
| 2. | Governor/City mayor or his/her representative | Vice-Chairman |
| 3. | Small Scale Mining representative | Member |
| 4. | Large Scale Mining representative | Member |
| 5. | DENR-duly accredited environmental Non-Government Organization representative | Member |

The concerned MGB Regional Office shall provide the technical secretariat to the Board.

Any party/ies included or added to the aforementioned composition shall be determined thru consensus by the Board and shall act only as observer/s during official meetings and functions of the Board. Provided, that if the composition of the Board prior to the effectivity of this Circular does not conform with that prescribed herein, such composition may be sustained until such time that the pertinent DENR Special Order creating that Board is amended.

II. Membership Qualification Criteria

Except for the Chairman and the Governor/City Mayor or his/her duly authorized representative, the member of the Board must have met the following qualification criteria:

1. He/She must be an active and bonafide member of and nominated by the organization he/she represents;
2. He/She must be residing or have established work relating to his/her organization in the province/city covered by the Board;
3. In the absence of nominees from the subject province/city, the Chamber of Mines of the Philippines in the case of large-scale mining, and any other duly organized small-scale mining associations preferably based in neighboring province/s or city/ies in the case of small-scale mining, shall nominate their respective representatives to the Board; and
4. In the absence of a DENR-accredited non-government organization in the subject province/city, the Board may consider

nominations by DENR-accredited environmental non-government organization/s based in neighboring province/s or city/ies.

III. Procedure

The following procedure shall be followed in the creation of a Board:

1. The Regional Director shall notify all the sectors and/or organizations concerned of the creation of the Board and solicit nominations for membership from them.

Acceptance of nominations shall be based on submitted official nomination documents as determined by the Board.

If the nominee comes from an environmental non-government organization, an official accreditation document by the DENR shall be required by the Regional Director.

No nomination shall be accepted if the abovementioned documents are not submitted.

2. The Regional Director shall evaluate the nominations and forward to the MGB Director the draft DENR Special Order creating the Board, which shall contain, among others, the proposed composition of the Board. The draft DENR Special order shall be accompanied by all the pertinent accreditation/nomination documents and copies of letters-notice of nominee solicitation.

A proforma DENR Special Order for the creation of the Board as shown in Annex A hereof shall be adopted in preparing the required draft DENR Special Order.

3. The Director shall review the draft Special Order and accompanying documents. If found proper and in order, the Director shall indorse the draft Special Order and accompanying documents to the Secretary, thru the Undersecretary for Field

Operations, for approval. Otherwise, the Director shall return all pertinent documents to the Regional Director for rectification and resubmission of the rectified documents.

4. The Undersecretary for Field Operations shall review the same documents and forward appropriate recommendation to the Secretary.
5. The Secretary shall act accordingly on the MGB Director's/Undersecretary's recommendation.
6. The approved DENR Special Order creating the Board shall be disseminated to all sectors/parties concerned.

IV. Reporting Requirement

The Chairman shall submit a quarterly report to the MGB Director copy furnished the concerned MGB Regional Director and, DENR Regional Executive Director, the Undersecretary for Field Operations and the Secretary, containing the accomplishments, issues encountered and resolutions made and other relevant information.

V. Amendments

Any amendments to the DENR Special Order creating the Board shall be done in accordance with the provisions of this Circular, as may be applicable.

This Circular takes effect immediately and supersedes, amends or modifies accordingly all other circulars inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

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